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PATENT
Attorney Docket 068022-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: **Koji Sode**)
)
U.S. Patent No. **7,497,940**)
)
Issued: **March 3, 2009**)
)
U.S. Application No. **10/568,348**)
)
Filed: **February 21, 2006**)
)
For: **Glucose Sensor and Glucose Level**)
 Measuring Apparatus)

Attention: Mail Stop Petition

05/29/2009 DALLIN 00000017 500310 10560348
Date: May 26, 2009
01 FC:1461 1465.00 DA
02 FC:1464 130.00 DA

PETITION FOR PAYMENT OF FEE DEFICIENCY UNDER 37 C.F.R. § 1.28(c)

This is a Petition under 37 C.F.R. § 1.28(c) for payment of a fee deficiency in the above-identified patent as the Applicant does not qualify for small entity status. The Commissioner is authorized to charge Deposit Account 50-0310 in the amount of \$1,595.00 for payment of the fee deficiency in the above referenced patent.

The payment of the deficient fee, based on previous erroneous payments of fees at the small entity rate, and submitted herewith under paragraph (c), serves under paragraph (d) as notification that the Applicant in the above referenced patent does not, and did not at any time, qualify for small entity status. The payment of the fees set forth below at the small entity rate occurred in error and without any deceptive intent on behalf of the Applicant.


The deficiency fee has been itemized as follows:

Fee & Date	Amount Paid	Current Fee Large Entity	Deficiency
Basic National Filing Fee; Examination Fee, and National Search Fee; 02/21/06	\$450.00	\$1,090.00	\$640.00
1-month EOT; 09/15/08	\$60.00	\$130.00	\$70.00
Issue Fee; 01/19/09	\$755.00	\$1,510.00	\$755.00
TOTAL DEFICIENCY			\$1,465.00

The Commissioner is authorized to charge Deposit Account 50-0310 in the amount \$1595.00 for payment of the requisite fee (\$1,465.00 for the fee deficiency and \$130.00 for the petition fee under 37 C.F.R. § 1.17(h)). In view of the deficiency payment, Applicants submit that no additional back fees are due in the present application. If however, any such fees are due, the Commissioner is hereby authorized to charge any additional fees which may be required with the filing of this petition, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Dated: **May 26, 2009**
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Respectfully submitted
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